

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular meeting

August 4, 1949
10:00 AM

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding:

Roll Call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Absent: None

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; R. D. Thorp, Chief of Police; and Joe D. Huffman, Jr., Director of Finance.

The minutes of the previous meeting were read, and Councilman Johnson moved they be approved. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass

Noes: None

Present, but not voting: Councilman Long

MR. CHARLES F. HERRING appeared before the Council presenting a petition signed by about 550 people asking that the Police and Courts Building be located on the ground owned by the City between East Fifth and East Sixth streets and Sabine and Red River streets, instead of the location at Fourth and Guadalupe; as it was with this understanding that the bond issue in 1946 carried that the Police Building would be located there, and that there were better parking facilities, and that this location would be more favorable in many ways. The Mayor stated that the location had not been determined, and he explained that this tract of land might be sold and turned into taxable property, and the sale and the taxes could be used to buy the right-of-way through south Austin. He stated the advantages of transporting prisoners, should the location be on the West fifth Street tract. The Mayor stated the Council appreciated the interest of these citizens in petitioning for this site, and their request will be taken into consideration when the location is decided upon.

MR. JAMES R. (SHORTY) ALLEN submitted a petition signed by property owners abutting Lamar Boulevard between 24th and 45th Street in opposition to the ordinance providing a twenty-five foot set-back. MR. ALLEN, MR. M.H. CROCKETT, MR. HART (representing MR. AND MRS. LEAR) MRS. FERGUSON all spoke in opposition. The City Manager stated the citizens had spent a quarter of a million dollars for this thoroughfare as traffic-ways were badly needed; and without this thoroughfare, Morningside Avenue and San Gabriel would still be a residential district. The City Manager stated it was the duty of the City Council to see that private ownership did not deprive the public of free access to the right to use this thoroughfare. He stated that the set-backs had not been changed in any way. The City Manager pointed out that this was a public expenditure that had made this property valuable; and had Austin done as other cities, the individual would have been assessed 90% of the cost, and would have been assessed for the benefits of the property. In answer to the fact the set-backs were not in effect from 12th Street south, he stated this could not be re-done at this time. The Mayor asked if a 15' set-back would be satisfactory to the property owners, and only two people responded--Mr. Allen and Mr. Hart for the Lears. The Mayor stated if they did not want a compromise of 15', the 25' set-back would be more helpful to them as it would allow for parking. No action was taken by the Council as the Council wanted to check with the Police Department to see what a safe set-back would be so far as traffic on a thoroughfare was concerned. The proposed ordinance was not read at this meeting, but was deferred until the following meeting of the Council.

MR. HENRY HOLEMAN appeared before the Council requesting a permit to have a LABOR DAY PARADE down Congress Avenue, Labor Day, September 5, 1949, and invited the Council and City officials to participate in the parade, and asked that any equipment the City would like, to take part in the parade. Councilman Johnson moved that the request be granted, and that the City Manager work out with the Fire and other departments which equipment, if any, would be in the parade. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The application of K. R. MEYER, for change of zoning of his property known as 1902-1904 Lake Austin Boulevard, from "A" Residential to "C" Commercial, was submitted to the Council for action. This application was publicly heard at a public hearing on July 14, 1949, and action was deferred until the Council could personally inspect the property. The Zoning Board of Adjustment did not recommend this change. Councilman Long moved that the Council uphold the recommendation of the Zoning Board and NOT grant the requested change. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Glass
Noes: Councilman Drake

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located on the West side of Fredericksburg Road, North of Evergreen Avenue, which property fronts approximately 97.1 feet on Fredericksburg Road and is a portion of Lot 12 of Evergreen Heights, a subdivision of a portion of the Isaac Decker League, within the City of Austin, Travis County, Texas, and hereby authorizes the said Frank Reeder to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Frank Reeder has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

Which motion, duly seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in HAWTHORNE STREET, from a point 110 feet west of Whittier Street easterly 126 feet, the centerline of which gas main shall be 13 feet south of and parallel to the north property line of said HAWTHORNE STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in WHITTIER STREET, from a point 89 feet north of Hawthorne Street southerly 219 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet east of and parallel to the west property line of said WHITTIER STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in EAST 31st STREET, from a point 210 feet west of Red River Street easterly 69 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said EAST 31st STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in BEDFORD STREET, from Sol Wilson Avenue northerly 52 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said BEDFORD STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in WEST 49th STREET, from Shoal Creek Boulevard westerly 985 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said WEST 49th STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in GONZALES STREET, from Mansell Avenue easterly 130 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said GONZALES STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

458

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling, of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

Which motion, duly seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON: (1) LOTS 8 TO 13, INCLUSIVE, BLOCK B, PAUL O. SIMMS SUBDIVISION, BARTON HEIGHTS B ANNEX, AND (2) LOTS 1 TO 10, INCLUSIVE, JOHN RUSH SUBDIVISION, ALL IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilman Johnson moved that the rule be suspended and the ordinance passed to its second reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the second time, and Councilman Johnson moved that the rule be suspended and the ordinance passed to its third reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the third time, and Councilman Johnson moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor then announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute for and on behalf of the City of Austin a quitclaim deed to John A. Gracy conveying all the right, title, and interest acquired by the City of Austin to Lot 10, Block 17, Outlot 45, Division "B", Brass Addition, in the City of Austin, Travis County, Texas, by judgment in Cause No. 34,939, and order of sale and sale to the City of Austin under said judgment by deed dated July 2, 1918.

Which motion, duly seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Council heard the report of the City Attorney and Director of Finance. The City Attorney stated there were two problems--(1) the matter of the rating by Moody's Investor's Syndicate and (2) the legal problem of whether or not the utilities would be mortgaged or only the net income. He stated Houston, Fort Worth and other cities had issued bonds without mortgaging anything beyond the net revenue, and other law firms in the bond business had approved those, and they had been approved by the Attorney General and accepted by the buyers in the markets. Mr. King had stated the city was well known in the bond market, and they buyers all knew the good standing and rating. Mr. King had suggested that more time be taken in preparing a detailed prospectus, history and statement setting up the assets, physical properties, etc., and that a certificate be obtained from a consulting engineer; that a preliminary ordinance be prepared in advance which would set up a type of indenture, and information to support it. Mr. King suggested that a plan be considered for a simultaneous sale in New York.

The Director of Finance stated that Mr. ELLINGWOOD with Moody's Investor's Syndicate was concerned over the effect this seven million dollar revenue bond issue would have on the General Obligation as to its double A rating, and what effect it would have on the Electric, Water and Sewer Bonds sold in the last two years as to the tax rate. Mr. Huffman stated it was brought out those electric, water and sewer bonds were paid from taxes, and this other would be paid from earnings from the utilities, and would not affect the tax rate; and Mr. Ellingwood stated Austin could be assured that the General Obligation Bonds would carry the AA rating, and from all indications, it would be afforded a AA rating on the utility bonds according to the Utility statement. It was suggested that the time be extended and advance copies be sent to Moody's so that they would be in a position to release their rating a week or 10 days in advance of the sale. He too suggested a

consulting engineer furnish a certificate as to their idea about the conservative estimate on the revenue and expenditures. As to the third paying agent, Mr. Huffman believed it would be helpful, and he contacted BANKERS TRUST, and he stated they were very interested and wanted the business.

The City Manager recommended to the Council that the BANKERS TRUST be designated as the paying agent; that WOOD, KING AND DAWSON, if they would not raise the question of mortgaging the property, but only the net revenue, be the approving attorneys; and that the date for taking bids be changed from August 18, 1949 to September 8, 1949. Councilman Drake moved that the Council accept the City Manager's recommendation on the above three items. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The City Manager suggested that alternate bids be taken--one on $2\frac{1}{2}\%$; one on 2, $1\frac{1}{2}\%$, 1, and $\frac{1}{2}\%$ on four years to see if there is any difference, and they could figure on the one most advantageous to the City. He stated also he would get a special report from BURNS & McDONNELL who are already consulting engineers for the City.

ELISHA PERKINS, formerly denied a taxi-cab drivers permit, came before the Council asking for reconsideration of his application. The City Manager recommended a 90-day probation permit. Councilman Long moved that the City Manager's recommendation be accepted and ELISHA PERKINS be granted a 90-day permit. The motion carried by the following vote:

Ayes: Councilmen Johnson, Long, Mayor Glass
Noes: Councilmen Drake, MacCorkle

Councilman MacCorkle moved that the following applications for Taxi-Operator Permits, duly recommended by the City Manager, be granted:

SYLVESTER E. HINTON	3202 Bailey Lane 1949 Chevrolet 4-door Fleetline License KM 8003, Motor No. GAA 304751
JAMES WILLIAMS (Col)	2102 East 8th Street 1942 Ford Four-door, Motor 18-6896010 License No. JV 8294

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman Johnson moved that the following taxi-driver permit, duly recommended by the City Manager, be granted:

WILLIAM ASTOR KIRK

904 Chicon Street

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Drake moved that the following Retailers "On Premises" Beer Licenses, duly recommended by the City Manager, be granted:

THE LITTLE GRILL, C. M. WILLIS

309 Barton Springs Road

THE DERBY, E. M. TEAGUE

6706 Dallas Highway

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Long moved that the following Private Boat Licenses, duly recommended by the City Manager, be granted:

Howard Huesser

2600 South 4th Street

Homemade

R. W. & J. C. Kirschner

309 E. 2nd Street

Outboard

James Evan Thompson

1409 Enfield

Outboard

William H. Slack

208 West 18th

Chris-craft

Glenn Hanseler

122 St. Elmo Lane

Factory Mode

Richard Hughes

Rt. 7, Box 165

Homemade

Outboard

The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Long moved that the following be set for public hearing August 25, 1949, at 2:30 P.M.

RONALD A. WEAVER, LEASSEE

NE 80' Lizzie Bouldin

From "C" Commercial

FRANK DEL CURTO, OWNER

1.008 acre tract,

To "C-1" Commercial

Decker Unplatted,

NOT Recommended by the

2304 Fredericksburg Rd.

Zoning Board of Adjustment.

SAM SILVERSTEIN (By S.M.

Lot 5, Outlot 43, Div.

From "C" Commercial

Amster, Attorney) Re-

"B", Foster & Ludlow

To "C-2" Commercial

set for public hearing

Subdivision

NOT Recommended by the

per request of July 28.

1613 East Avenue

Zoning Board of Adjustment.

The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

There being no further business, the Council adjourned subject to the call of the Mayor.

APPROVED:

Taylor Glass
Mayor

ATTEST:

Edna Hoasley
Acting City Clerk